

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

Maryann Butler,
Plaintiff,

v. Case No. 1:25-CV-690

New American Funding,
Defendant.

FILED
HARRISBURG, PA

MAY 20 2025

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SUPPLEMENT TO DECLARATION OF SPOILIATION AND URGENCY

PER

DEPUTY CLERK

Filed by: Audury Petie Davis, Authorized Representative for Plaintiff

Date: May 20, 2025

Plaintiff respectfully submits this supplemental notice in support of the Declaration of Spoliation and Urgency, filed on May 15, 2025, to bring attention to a heightened risk concerning sensitive materials contained in Exhibit O.

Specifically, the Exhibit O email thread includes personally identifying information, including Plaintiff's government-issued Pennsylvania drivers license and full Social Security number. These records were transmitted directly to the Defendants loan officer via unsecured, off-portal email and were never uploaded to the protected borrower system.

These unprotected submissions further demonstrate the contradiction in the Defendants response to federal regulators and the urgency of judicial intervention. Plaintiff respectfully asks the Court to consider the sensitive nature of this material in any screening or preservation decisions, and to take notice that a Priority Mailed physical copy of Exhibit O is also en route.

Respectfully submitted,


/s/ Audury Petie Davis

Audury Petie Davis

Authorized Representative for Plaintiff Maryann Butler

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Authorized Representative for Plaintiff Maryann Butler

U.S. District Court - Middle District of Pennsylvania

Case No. 1:25CV69C

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DEPUTY CLERK

Date: May 20, 2025

To the Clerk of Court,

Please find enclosed Plaintiff's supplemental filing titled:

ADDENDUM TO DECLARATION OF SPOILIATION AND URGENCY

including Exhibit O January 31, 2025 Email Submission of Complete Loan File.

This filing supplements the Plaintiff's previously docketed Declaration of Spoliation and Urgency, received by the Court on May 15, 2025. It is submitted in further support of Plaintiff's initial complaint currently under screening, and requests that this document be entered into the record accordingly.

Respectfully submitted,


/s/ Audury Petie Davis

Audury Petie Davis

Authorized Representative for Plaintiff Maryann Butler

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U.S. District Court - Middle District of Pennsylvania

Case No. 1:25CV690

Date: May 20, 2025

To the Honorable Judge,

Plaintiff respectfully submits this letter to request judicial consideration of the urgency already documented in the following filings:

- Declaration of Spoliation and Urgency, filed May 15, 2025
- Addendum to Urgency Declaration, filed May 20, 2025
- Exhibit O: January 31, 2025 Email Submission of Complete Loan File

Exhibit O demonstrates that Plaintiff submitted a complete loan file on January 31, 2025 via direct email to the Defendants loan officer, outside of the official borrower portal. These materials include sensitive underwriting documents that have never been preserved within the official system. The Defendant failed to document or acknowledge this submission, despite closing processes continuing through March 28, 2025.

Plaintiff initially presumed the Defendant was acting in good faith and that records would be handled appropriately. However, upon learning that key records were never uploaded or preserved, Plaintiff issued a preservation notice on April 17, 2025. That notice was acknowledged by members of the Defendants executive staff, but not by the specific loan officer who originally received and retained


the records by email. Emails to that officer were returned as undeliverable. These events the good faith preservation notice and the email bounce-back were documented and submitted as part of the original Declaration of Spoliation and Urgency, received by the Court on May 15, 2025.

As of this filing in late May, the off-portal materials remain blocked from access, and there is no assurance that internal email communications, attachments, or system logs have been preserved. More than 110 days have passed since those documents were submitted.

Given the advanced risk of digital loss and metadata expiration and the material contradiction between these documents and the Defendants federal regulatory statements Plaintiff respectfully urges the Court to issue a preservation instruction or order a response from the Defendant regarding the authenticity and receipt of Exhibit O materials. This action is respectfully requested concurrently with, or in advance of, screening determination.

This request is made solely in the interest of protecting evidentiary integrity before irreversible loss occurs. Plaintiff will proceed in accordance with the Courts instructions.

Respectfully submitted,



/s/ Audury Petie Davis

Audury Petie Davis

Authorized Representative for Plaintiff Maryann Butler